

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAMON MILLER,

Plaintiff(s),

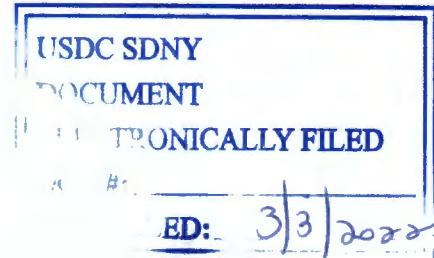
-against-

RYAN SCHUNEMANN, BLUE DIAMOND
TRANSPORTATION, AIR CONTACT TRANSPORT,
INC. and JOHN DOE,

Defendant(s).
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Civil Action No.:
1:20-cv-09039-CM

ORDER OF COURT



ORDER GRANTING PLAINTIFF'S MOTION TO ENFORCE SUBPOENA

THIS MATTER is before Court on the Plaintiff's motion to enforce the attendance of non-party witness, Keith Taylor to appear for a deposition (Doc. 44), filed on 2/14/22. Having considered the motion, record of the case and relevant law, the Court FINDS the motion well-taken and should be GRANTED.

Non-party witness, Keith Taylor, was properly served, via substituted service upon his mother, Jerrie Taylor on 1/22/23, to appear for his virtual deposition on Monday, February 14, 2022. Mr. Taylor subsequently failed to make contact with plaintiff's counsel office regarding the deposition to make arrangements for his appearance. Additionally, Mr. Taylor failed to contact plaintiff's counsel in attempt to reschedule the deposition to alternative date. Finally, Mr. Taylor failed to appear for his deposition on February 14, 2022.

IT IS THEREFORE ORDERED that plaintiff's letter motion enforce the subpoena for appearance at a deposition is GRANTED.

IT IS FURTHER ORDERED that plaintiff's counsel is to execute service, personal or substituted service, of this Order upon non-party, Keith Taylor within fifteen (15) days.

IT IS ADDITIONALLY ORDERED that Keith Taylor appear for a deposition on or before March 15, 2022.

IT IS FURTHER ORDERED that if non-party witness, Keith Taylor, fails to appear for a deposition in this matter pursuant to this Order of the Court, this Court will hold Keith Taylor in Contempt of Court and will assess any all penalties that this Court deems appropriate and necessary.

IT IS SO ORDERED

3/3/2022



Colleen McMahon
United States District Court Judge

I have no idea whether Mr. Taylor
our record notice or was properly
served. You do not attest that Mr.
Taylor is known to live with his mother.
If you have reason to believe that
Mr. Taylor is ignoring your subpoena,
you may move for sanctions, but
you will have to prove that there is a
basis therefor - and I do not accept
leak motions or award contempt
in advance.